

## Message Text

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ACTION NEA-16

INFO OCT-01 ISO-00 NEAE-00 SSO-00 PRS-01 H-03 SS-20 NSC-07

NSCE-00 CIAE-00 INR-10 NSAE-00 RSC-01 DODE-00 USIE-00

INRE-00 L-03 SCS-03 SCA-01 DRC-01 PA-04 /071 W

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O 051250Z JUL 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 2493

LIMITED OFFICIAL USE NEW DELHI 8955

THE FOLLOWING TELEGRAM SENT ACTION NEW DELHI  
ON JULY 5, 1974 FROM CALCUTTA IS REPEATED FOR YOUR INFO

QUOTE

CALCUTTA 1378

E.O. 11652: N/A

TAGS: PFOR, CASC, IN

SUBJ: HARCOS/FLETCHER

1. CONSUL BALL VISITED HARCOS AND FLETCHER, AS SCHEDULED,  
JULY 4TH AFTERNOON. THEY BOTH APPEARED WELL AND CONSIDERABLY  
MORE RELAXED AND CHIPPER THAN THEY HAD DURING JULY 2 MEETING.  
THEY AGREED TO LET BALL KNOW BEFORE THEY EMBARKED ON ANY FURTHER  
PROTEST ACTION, E.G., REFUSING THE NASAL FORCE-FEEDING. BALL  
SUPPLIED THEM WITH SOME NEW BOOKS, MAGAZINES, AND CIGARETTES.  
NEXT SCHEDULED MEETING IS SATURDAY, JULY 6.

2. I SPOKE BRIEFLY WITH CHIEF MINISTER RAY AT JULY 4TH  
RECEPTION AND TOLD HIM OF BHOSE'S LEGAL OPINION ON BAIL  
(CALCUTTA 1366). I ASKED WHETHER BASIS OF COMPLAINT COULD  
BE SHIFTED AWAY FROM SECTION 3 OF OFFICIAL SECRET'S ACT.  
RAY REPLIED THAT BAIL WAS OFTEN GRANTED IN FACE OF POSSIBLE  
LENGTHY SENTENCE AND REITERATED HIS DESIRE THAT DEFENSE  
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ASK AGAIN FOR BAIL (IMPLYING THAT GOVT. NOW PREPARED TO OVER-

RIDE LEGAL PROBLEMS). HE ALSO ASKED THAT I SEE THE CALCUTTA COMMISSIONER OF POLICE TO DISCUSS POSSIBLE HOUSE-ARREST ARRANGEMENTS WITH HIM.

3. LATER ON JULY 4 DEFENSE LAWYER BHOSE CALLED AT MY HOUSE AT MY REQUEST. AGAIN WITHOUT REVEALING MY SOURCES I SAID I HAD STRONG INDICATIONS THAT PROSECUTION WOULD NOT OBJECT AND URGED HIM TO SEEK QUALIFIED BAIL. HE SAID COURT WOULD REQUIRE SOME INDICATION OF CHANGE OF SITUATION SINCE IT HAD REFUSED BAIL BEFORE. I TOLD HIM TO LEAVE THAT UP TO PROSECUTION. BHOSE BELIEVES ONLY HIGH COURT (JUSTICE TALUKDAR) CAN PASS ON THIS IF IT IS TO BE PASSED BEFORE RECORDS ARE SENT TO CITY SESSIONS COURT. I URGED HIM TO DISCUSS IT WITH JUSTICE TALUKDAR WITHOUT DELAY AND HE AGREED. HE RECALLED THAT EARLIER SUGGESTED SITE FOR BAIL WAS SALVATION ARMY HOTEL, AND HE INTENDED TO ASK AGAIN FOR THAT.

4. I CALLED ON POLICE COMMISSIONER CHAUDHURI JULY 5 MORNING. HE HAD BEEN BRIEFED BY CHIEF MINISTER. HE SAID THAT ONCE IT WAS CLEAR THAT DEFENSE WAS READY TO MOVE FOR QUALIFIED BAIL HE WOULD INSTRUCT SPECIAL BRANCH TO POSE NO OBJECTION. IN DISCUSSION OF POSSIBLE SITES, I MENTIONED DEFENSE'S PLANS TO SUGGEST SALVATION ARMY HOTEL. COMMISSIONER SAID "THAT WOULD NVW DO," BUT THAT A FLAT WOULD BE SUITABLE. HOTEL OBJECTIONABLE BECAUSE OF DIFFICULTY OF SURVEILLANCE PLUS DANGER OF ACCUSED BECOMING PUBLIC SPECTACLE. HE ASKED THAT I INFORM BHOSE.

5. COMMENT: THE REQUIREMENT THAT THE HOUSE ARREST SITE BE A FLAT MAY POSE FINANCIAL PROBLEMS, BUT THAT IS FOR DEFENSE TO EXPLORE. MORE IMPORTANTLY, NOTE THAT CHIEF MINISTER DID NOT RPT NOT PICK UP IDEA OF SHIFTING BASIS OF COMPLAINT. CONTINUING EFFORT ON THIS IN DELHI AND/OR WASHINGTON FRONT APPEARS NECESSARY. PICKERING UNQUOTE SCHNEIDER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CITIZEN PROTECTION, CONSULAR LEGAL ASSISTANCE, ARRESTS, TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 JUL 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** shawdg  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974NEWDE08955  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740178-0723  
**From:** NEW DELHI  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19740773/aaaackfd.tel  
**Line Count:** 96  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** shawdg  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 19 FEB 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** WITHDRAWN <15-Aug-2002 by izenbei0, PRIVACY>; RELEASED <19 FEB 2003 by shawdg>; APPROVED <19 FEB 2003 by shawdg>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** HARCOS/FLETCHER  
**TAGS:** PFOR, CASC, IN, US, (HARCOS), (FLETCHER)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005